United Nations A/62/PV.86

General Assembly
Sixty-second session

Official Records

86th plenary meeting
Friday, 14 March 2008, 10 a.m.
New York

President: Mr. Kerim ..... (The former Yugoslav Republic of Macedonia)

The meeting was called to order at 10.20 a.m.

Agenda item 132 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/62/657/Add.4)

The President: Before turning to the item on our agenda, I would like to invite the attention of the General Assembly to document A/62/657/Add.4, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in documents A/62/657 and Add.1 through 3, the Dominican Republic has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter. May I take it that the General Assembly duly takes note of the information contained in this document?

It was so decided.

Agenda item 20

The situation in the occupied territories of Azerbaijan

Draft resolution (A/62/L.42)

The President: I give the floor to the representative of Azerbaijan to introduce draft resolution A/62/L.42.

Mr. Mehdiyev (Azerbaijan): The conflict in and around the Nagorno-Karabakh region of Azerbaijan has a long history. Karabakh — both its mountainous and lowland parts, which are economically and politically linked with each other — has always been one of the historical provinces of Azerbaijan. In antiquity and the early Middle Ages, the region was a part of a State known as Caucasian Albania, which existed between the fourth century B.C. and eighth century in the territory of present-day Azerbaijan. In 313, Christianity was proclaimed as a State religion in Albania.

In the eighth century, the population of Azerbaijan, including the majority of Albanians, was converted to Islam. The Albanians, inhabiting the mountainous part of Karabakh, retained their own religion. From the ninth to nineteenth centuries, Karabakh was a part of different States ruled by the local Azerbaijani dynasties. The treaty of 14 May 1805 signed by the Azerbaijani khan, Ibrahim Khalil of Karabakh, brought Karabakh under Russian rule.

Thereafter, Armenians were massively settled in the mountainous part of Karabakh, where at a later stage they assimilated the indigenous Albanians, whose Orthodox Patriarchy was abolished by the Russian authorities in 1836 and its property transferred to the Armenian Gregorian Church. The descendants of the Albanians continue to live in other regions of Azerbaijan.

In 1918, Azerbaijan proclaimed independence and, guided by the principle of good neighbourliness, handed over the Azerbaijani Iravan — Yerevan — province to the Republic of Armenia. Nevertheless, the newly established Armenian Government raised claims to other Azerbaijani territories, including Nagorno-

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

08-27294 (E)

Karabakh. In 1919 the Armenian assembly formally accepted Azerbaijani rule over that territory.

During Soviet times, the Nagorno-Karabakh region of Azerbaijan enjoyed political, economic and cultural autonomy and developed faster than Azerbaijan and Armenia as a whole.

The present-day stage of the Armenian-Azerbaijani conflict dates back to the end of 1987. In the repression carried out in Armenia, 220 Azerbaijanis were killed, 1,154 were wounded and about 250,000 were expelled. That was the latest wave of deportation of Azerbaijanis, who for centuries have resided in the territory presently called Armenia.

In early 1988, the Armenian Government instigated a secessionist movement in the Nagorno-Karabakh region. In 1989, the parliament of Armenia, in total contradiction to the Constitution of the Union of Soviet Socialist Republics, adopted a decree entitled "On re-unification of the Armenian SSR and Nagorno-Karabakh".

These actions continued when Armenia, with the support of foreign troops and with direct participation of international mercenaries and terrorist groups, unleashed a full-scale military operation, leading to the occupation of the Nagorno-Karabakh region of Azerbaijan and seven adjacent districts. The occupation was accompanied by the policy of ethnic cleansing, and as a result more than one million Azerbaijanis became refugees and internally displaced persons (IDPs).

Responding to the occupation of the Azerbaijani territories and alarmed by the severe humanitarian catastrophe resulting from the expulsion of more than 1 million refugees and IDPs, the Security Council in 1993 adopted four resolutions — 822 (1993), 853 (1993), 874 (1993) and 884 (1993) — demanding the immediate, complete and unconditional withdrawal of the occupying forces from the occupied territories of Azerbaijan and the creation of the necessary conditions for the return of IDPs to their homes in security and dignity. Those provisions have still not been implemented.

Negotiations under the auspices of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE) started in 1992. At the OSCE Lisbon Summit in 1996, the Co-Chairs of the Minsk Group and the OSCE Chairman-in-Office recommended the following principles as the basis for the settlement of the conflict: the territorial integrity of Armenia and Azerbaijan, the highest degree of self-rule for Nagorno-Karabakh within Azerbaijan, and guaranteed security for Nagorno-Karabakh and its whole population. Armenia was the only one out of 54 OSCE participating States that did not accept those principles.

Moreover, Armenia tries to consolidate the occupation through illegal activities in the occupied territories of Azerbaijan. Armenia has launched an outrageous policy of exploiting natural resources in the occupied territories, in particular the gold mines in the Kalbajar district, aiming to engage overseas companies in the illegal business. In addition, Armenia falsifies the history and misappropriates the cultural and architectural heritage of all occupied territories. Religious and historical monuments, ancient manuscripts and other cultural properties have been destroyed, re-fashioned, plundered and removed.

Furthermore, Armenia has launched an outrageous policy of massive illegal settlement of Armenian populations in the occupied territories, which is another blatant violation of international law. As an expression of its serious concern about the massive settlement in the occupied territories, the item entitled "The situation in the occupied territories of Azerbaijan" was included in the agenda of the General Assembly. As a result of the consideration of this item at the 60th plenary meeting of the Assembly's fifty-ninth session, on 23 November 2004, the first-ever OSCE fact-finding mission was dispatched to the occupied territories of Azerbaijan, from 31 January through 6 February 2005.

The fact-finding mission confirmed the facts of the Armenian settlement of the occupied territories. The Co-Chairs of the OSCE Minsk Group requested that any further settlement of the occupied territories of Azerbaijan be discouraged and urged that there be no changes in the demographic structure of the region, which would make difficult any further efforts to achieve a negotiated settlement of the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan. The fact-finding mission became feasible thanks to the General Assembly's just and right approach to the grave concern articulated by Azerbaijan.

However, another dangerous development occurred in the occupied territories. In 2006, there were massive fires in the eastern part of the occupied territories. With a view to taking comprehensive measures to suppress the fires, eliminate the impact of this environmental disaster and rehabilitate the fire-affected territories of Azerbaijan, our delegation, during intensive consultations, acting in the spirit of compromise, demonstrated maximum flexibility to accommodate every concern. As a result, on 7 September 2006 the General Assembly adopted resolution 60/285 without a vote

Based on that resolution, the OSCE led an environmental assessment mission from 2 to 13 October 2006 to the fire-affected territories in and around the Nagorno-Karabakh region of Azerbaijan. The mission confirmed the fact of fires, the lack of proper fire-fighting equipment on both sides and the need for international assistance and proposed short-, medium- and long-term initiatives. However, those proposals, which, besides their ultimate goals were aimed at establishing confidence, have never been implemented in the occupied territories.

The most dangerous development in the occupied territories occurred on 4 March 2008, when the Armenian occupying forces grossly violated the ceasefire regime, leading to 5 casualties from the Azerbaijani side and 27 from the Armenian side. That provocation by Armenia is clearly intended to divert the attention of its citizens from the tense situation in the country. The use of force has unfortunately become the traditional method of both foreign and domestic policy of Armenia.

Azerbaijan has always conducted negotiations in good faith, whereas Armenia uses the negotiations as a cover for its illegal activities in the occupied territories. Contrary to the goals of negotiations, Armenia demonstrates its unchanged "fait accompli" policy through continued military occupation.

During his presidential campaign in the city of Mehry on 24 January, the newly elected President of Armenia, Serj Sarkisian, declared, among the basic principles of the resolution of the Armenia-Azerbaijan conflict, that Karabakh cannot be a part of Azerbaijan and Karabakh should be connected with Armenia. He stated that "out of these principles, we will not discuss the regulation of the conflict". That position of the Armenian leadership should ring another alarm about the real intentions of the Government of Armenia.

The talks are founded on the clear stance of the full restoration of Azerbaijan's territorial integrity and sovereignty, which are indisputable and non-negotiable from both the legal and political points of view and which deserve support in the framework of the negotiations as well as during the action on the draft resolution.

In the final stage of the settlement, we envisage a peaceful and prosperous region, in which the Azerbaijani and Armenian populations of Nagorno-Karabakh would live in friendship and security within the Republic of Azerbaijan. To arrive at that point, we need to eliminate the consequences of the conflict: the occupying forces should leave all occupied territories, internally displaced people return to their places of origin, and transport and communication links be restored.

In spite of the negotiations that have continued for over a decade, the conflict is not settled, and this situation causes profound anxiety, frustration and disappointment on our part. The consideration of this agenda item at this plenary meeting of the General Assembly absolutely does not mean that we intend to change the format of the negotiations on the settlement of the conflict. The main reason for the discussion of the item and for taking action on the draft resolution is to reconfirm the basic principles of the settlement of the conflict; to express support for the mediators and to encourage them to intensify efforts aimed at a peaceful settlement of the conflict in accordance with the norms and principles of international law, in particular those related to sovereignty and territorial integrity; and to give additional impetus to the peace process in order to prevent any possible impasse or stagnation in the negotiations. The international community should send a clear message that the acquisition of the territory of a sovereign State by force and the situation resulting from it will never be recognized as legal.

We hear a lot of advice stating that an agreement suitable to both parties must be negotiated. We would very much welcome a solution that would suit both parties. However, in order to achieve it, the parties must share the same ground, the same basis in the negotiations. Azerbaijan adheres to the norms and principles of international law and intends to negotiate on that very basis.

International law has determined a common denominator in the resolution of conflicts such as the one in and around the Nagorno-Karabakh region of Azerbaijan. That denominator is the principle of respect for sovereignty and territorial integrity and the inadmissibility of unilateral secession from a State. Self-determination must not violate territorial integrity and must not be considered as an invitation to separation. Unfortunately, we cannot draw the same conclusions from the actions by Armenia, which is trying to solidify the results of aggression and ethnic cleansing.

On the other hand, we do not see any prospects for continuing negotiations in an environment of legal uncertainty, in which so-called accomplished facts and circumstances are proposed as reference points. We are gravely concerned and alarmed at the lack of clear proposals from the Co-Chairs of the Minsk Group with regard to the resolution of vital issues regarding the liberation of all of the occupied territories and the return of the Azerbaijani population to Nagorno-Karabakh, which are indispensable steps in the restoration of the territorial integrity of Azerbaijan. The Co-Chairs have no right to deviate from the principle of territorial integrity for the sake of their notorious neutrality.

Speaking of neutrality, that position is widely used when it comes to this issue. But this neutrality is not a position but a lack of one. Rather, it is an attempt to hide a complete political will to take a position that would not mean taking the side of one party or the other, but taking the side of international law. There cannot be neutrality when the norms of international law are violated. Neutrality under such conditions means total disregard for those norms.

We have never made and could never make it our task to elaborate a draft resolution acceptable to Armenia, which does not demonstrate even a whisper of readiness to abandon illegitimate and meaningless territorial claims to Azerbaijan. We based our draft on the norms and principles of international law and in accordance with the concept of the settlement that has repeatedly been supported by the Co-Chairs of the Minsk Group and that provides for the return of the population to their land and a determination of the legal status of the Nagorno-Karabakh region within Azerbaijan, with direct and equal participation of the Azerbaijani and Armenian communities residing there.

We cannot accept the proposition that the draft resolution will lead to a deterioration in Armenian-Azerbaijani relations, simply because it is impossible for something that does not exist to deteriorate.

The argument that the draft resolution is unilateral and untimely cannot be accepted either. It is not and it cannot be so, because it was prepared in accordance with international law and, as such, is impartial. This draft resolution was prompted by the prevailing circumstances on both the regional and international levels, which have heightened our concern regarding the status of the settlement process. Therefore, the draft resolution is apropos and timely.

The draft resolution will play an important role in awakening Armenia, which still retains impunity and has become accustomed to this permissive environment. It is aimed at persuading Armenia towards the will and position of the international community. It would be counter-productive for Member States to reject support for the draft resolution; that would be interpreted in Yerevan as a sign that it can continue its destructive policy.

Azerbaijan values the position of the international community, which has unequivocally supported the territorial integrity of Azerbaijan. Azerbaijan strongly believes that at this crucial juncture in the United Nations reform process, the General Assembly, as the chief deliberative, policymaking and representative organ of the United Nations, will again prove its relevance and validity in dealing with any question relating to the maintenance of international peace and security and will articulate its position and address the issue of concern.

The consideration of the item is not only about voting for the draft resolution. It is not even about expressing political support for Azerbaijan's concerns. It is about boosting the principles and norms of international law. It is about supporting all Member States whose sovereignty and territorial integrity may be in danger at any time at this crucial and difficult period in international relations.

By supporting the draft resolution, Member States will confirm in deed their stated position with regard to adhering to the norms and principles of international law as the basis of the world order and inter-State relations. By taking this step, Member States will show their due respect for the foundations of and basis for friendly relations among States.

Today, approximately one million Azerbaijani refugees are desperately waiting for the position of the United Nations. I urge Member States, before taking action on the draft resolution, to think of the tens of thousands of refugees who have lived for more than a decade in tents under the open air. They are deprived of fresh water and hot food. Women give birth in passenger cars. A whole generation is growing up in the refugee camps. Infants are deprived of cradles, and women are deprived of maternity. These people, living in miserable conditions, are deprived of routine human happiness. Think of them before taking action.

Ms. Štiglic (Slovenia): The European Union recognizes the right of Member States to bring issues to the attention of the General Assembly for consideration, subject to the provisions of the Charter of the United Nations and the rules and procedures of the General Assembly.

However, the European Union believes that the Organization for Security and Cooperation in Europe (OSCE) Minsk Group should retain the lead in settling the Nagorny Karabakh conflict. The EU fully supports the efforts of the OSCE Minsk Group towards a peaceful, just and lasting settlement. The EU reiterates its support for all the principles, without exception, established within the Minsk Group and values the views of the Group's Co-Chairs.

The settlement of the Nagorny Karabakh issue is an important element of the European Neighbourhood Policy of the European Union and features prominently in the related action plans. In that context, we remain ready to support all steps which contribute to a peaceful resolution of the conflict.

The European Union calls on the parties concerned to avoid any actions that could lead to heightened tensions and undermine the ongoing mediation efforts.

Mr. Wolff (United States of America): The political-level representatives of France, the Russian Federation and the United States, as Co-Chairs of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group dealing with the Nagorny Karabakh conflict, jointly proposed a set of basic principles for the peaceful settlement of the Nagorny Karabakh conflict to the sides in November 2007 on the margins of the OSCE Ministerial Council in Madrid. Those basic principles are founded on the provisions of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, including those related to refraining from the threat or use of force, the territorial integrity of States and the equal rights and self-determination of peoples. The proposal transmitted to the sides in Madrid comprises a balanced package of principles that are currently under negotiation. The sides have agreed that no single element is agreed until all elements are agreed by the parties.

Unfortunately, the draft resolution before us today selectively propagates only certain of those principles, to the exclusion of others, without considering the Co-Chairs' proposal in its balanced entirety. Because of this selective approach, the three OSCE Minsk Group Co-Chair countries must oppose this unilateral draft resolution. They reiterate that a peaceful, equitable and lasting settlement of the Nagorny Karabakh conflict will require unavoidable compromises among the parties that reflect the principles of territorial integrity, non-use of force and equal rights of peoples, as well as other principles of international law.

While the three Minsk Group Co-Chair countries will vote against this unilateral draft resolution, which threatens to undermine the peace process, they reaffirm their support for the territorial integrity of Azerbaijan and thus do not recognize the independence of Nagorny Karabakh. At a time when serious clashes with loss of life have occurred along the line of contact, both sides must refrain from unilateral and maximalist actions either at the negotiating table or in the field.

Mr. Ripert (France) (*spoke in French*): As just stated by the representative of the United States of America on behalf of the Co-Chairs of the Minsk Group, France, along with the other two Co-Chairs, will vote against the draft resolution that has been unilaterally presented by Azerbaijan. Our country would reaffirm at the same time our full support for the Common Position of the European Union on the question of the Nagorny Karabakh conflict, as presented by Slovenia.

Mr. Akram (Pakistan): I have the honour to speak on behalf of the States members of the Organization of the Islamic Conference (OIC).

We appreciate the convening of this meeting of the General Assembly to consider the situation in the occupied territories of Azerbaijan. This issue is a matter of international concern. It is on the agenda of

this Assembly. The conflict in and around the Nagorny Karabakh region of Azerbaijan also remains on the agenda of the Security Council, whose resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), unfortunately, remain unimplemented to date, posing a continued threat to peace and stability in the region. Those resolutions reaffirmed the sovereignty and territorial integrity of Azerbaijan and other States of the region, reaffirmed the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, and accordingly demanded the withdrawal of all occupying forces from the occupied territories of Azerbaijan.

The conflict between Armenia and Azerbaijan has been the focus of diplomatic and other efforts to reach a peaceful settlement. That includes the peace process within the Organization for Security and Cooperation in Europe (OSCE) framework, which has set out three principles of settlement, namely, the territorial integrity of Armenia and Azerbaijan, the highest degree of self-rule of the Nagorny Karabakh region within Azerbaijan, and guaranteed security for the region and its entire population.

The OIC has a long-standing, principled and firm position vis-à-vis the aggression of the Republic of Armenia against the Republic of Azerbaijan. That position, based on the principles and objectives of the Charter of the United Nations and on our full support for the just stance of the Republic of Azerbaijan, is articulated in the relevant declarations, communiqués and resolutions of the OIC at the summit and ministerial levels.

The 34th session of Islamic Conference of Foreign Ministers, held in May 2007 in Islamabad, and the OIC Annual Coordination Meeting of the Ministers for Foreign Affairs, held in October 2007 in New York, reiterated their condemnation of the continuing aggression by Armenia against the sovereignty and territorial integrity of Azerbaijan, which constitutes a blatant violation of the principles of the Charter of the United Nations and international law. The ministers called for the immediate, complete and unconditional withdrawal of the Armenian forces from all the occupied territories of Azerbaijan. They called for a peaceful resolution of the conflict on the basis of respect for territorial integrity and the inviolability of internationally recognized borders.

The OIC also supported the efforts of the Government of Azerbaijan to remove the obstacles to the peace process, such as the illegal transfer of settlers of Armenian nationality to the occupied territories, practices of artificial geographic, cultural and demographic alterations and unlawful economic activity and exploitation of natural resources in the occupied territories of Azerbaijan. The OIC demanded that Armenia stop those activities and the continued destruction of Azerbaijan's cultural and historical heritage, including Islamic monuments. The OIC is also deeply distressed over the plight of the more than one million Azerbaijani displaced persons and refugees from the occupied territories and calls for conditions to be created enabling their return to their homes in safety, honour and dignity.

The OIC has clearly stated that a fait accompli cannot serve as a basis for a settlement. We are therefore deeply concerned over the efforts by Armenia to consolidate the status quo of occupation, including, in particular, its policy of continuing the illegal settlement of Armenian populations in the occupied territories, which undermines and prejudices a negotiated settlement. Also of serious concern were the massive fires that started in June 2006 in the occupied territories, to which the General Assembly responded by adopting resolution 60/285 on 7 September 2006 without a vote.

In the context of a pacific settlement of the conflict, the OIC supports the activities of the OSCE Minsk Group and bilateral consultations held between the parties. We expect the parties to negotiate in good faith, and we welcome the commitment of Azerbaijan in that regard for a peaceful resolution. The time, effort and resources devoted to this issue in over a decade of negotiations should not be allowed to go to waste. To uphold the prospects for peace, the international community must continue to support the peace process and steer the negotiations clear of impediments and a possible stalemate.

The draft resolution contained in document A/62/L.42 reflects the previously mentioned principles, objectives and positions. It is consistent with the relevant resolutions of the United Nations on this issue, as well as the position of the OIC. It therefore has the full support of the OIC. We hope that this discussion and the adoption of the draft resolution will contribute to supporting and intensifying the international mediation efforts aimed at achieving a peaceful and

lasting settlement of the conflict in accordance with the norms and principles of international law.

I would like to conclude by reiterating the full support and complete solidarity of the OIC for the efforts undertaken by the Government and the people of Azerbaijan to defend their country and to achieve the restoration of the complete sovereignty and territorial integrity of Azerbaijan.

Mr. Butagira (Uganda): Uganda aligns itself with the statement delivered by the representative of Pakistan on behalf of the New York group of States members of the Organization of the Islamic Conference.

Uganda is a firm believer in peaceful settlement of disputes between States, as well as a fervent supporter of the principles of the inviolability of the sovereignty of States and respect for territorial borders in accordance with the principles and tenets of the Charter of the United Nations. Any departure from those principles must be well grounded in international law. We do not see any justifiable departure in the present case. Azerbaijan has been a victim. Uganda therefore supports this draft resolution, which is also in line with resolutions of the Security Council. Uganda will vote yes.

Mr. Sergeyev (Ukraine): Today's discussion once again focuses the attention of the international community on the problem of protracted conflicts in the territories of Azerbaijan, the Republic of Moldova and Georgia. Those conflicts continue to be major impediments to the democratic and economic development of those States. We are confident that the consideration of those issues is within the purview of the General Assembly and the Security Council. It is crucially important that the international community continue to take practical steps to help to settle the protracted conflicts in the countries to which I have referred, based on the unconditional recognition of the territorial integrity of those States.

We believe that each of those conflicts has its own history and nature. Mechanisms to settle them could therefore be different. But they must be firmly based on the unambiguous priority of adhering to human rights. In that regard, Ukraine strongly rejects attempts to connect the case of Kosovo to the conflicts in the territories of Azerbaijan, the Republic of Moldova and Georgia.

Ukraine consistently supports the Organization for Security and Cooperation in Europe's Minsk Group with regard to settling the Nagorny Karabakh conflict. We note that the potential of the Minsk process has not been exhausted. We call upon Azerbaijan and Armenia to demonstrate their flexibility and not to undermine the possibilities for settling the Nagorny Karabakh conflict.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): China is very concerned about the question of Nagorny Karabakh. China respects and supports the sovereignty and territorial integrity of Azerbaijan. China supports the efforts of the international community to promote the peaceful settlement of the question of Nagorny Karabakh. The situation in Nagorny Karabakh is complex and sensitive. It not only bears directly on the relations between Azerbaijan and Armenia, but also affects the peace and stability of the entire Caucasus region.

China has always advocated the settlement of disputes between countries on the basis of direct negotiations. China hopes that the two countries will continue negotiations in accordance with the purposes and principles of the Charter of the United Nations and within the process of the Organization for Security and Cooperation in Europe's Minsk Group, in order to find a mutually acceptable settlement plan. China supports Russia, the United States of America and France — the Co-Chairs of the Minsk Group — in their continuing efforts to play a constructive role. China also hopes that those three countries will make further efforts to reconcile the positions of the two countries concerned and bring the parties together for an earnest and in-depth dialogue, with a view to building up mutual confidence in resolving the dispute in order that a breakthrough can be made in the negotiations.

Peace, stability and development in Azerbaijan and Armenia and the entire Caucasus region are in the interest of all parties. We hope that the parties concerned will continue to exercise restraint and refrain from actions that might further complicate the situation and aggravate tensions.

Mr. İlkin (Turkey): Turkey has already aligned itself with the statement delivered by the representative of Pakistan on behalf of the group of States members of the Organization of the Islamic Conference. I shall therefore try to be brief and just mention a few basic

points that guided us in taking a position on the draft resolution before us.

First, given the strong views on both sides, we looked carefully into whether the General Assembly is the appropriate forum to discuss the issue at hand. Yes, indeed, there is an ongoing peace process within the framework of the Organization for Security and Cooperation in Europe's Minsk Group, and we noted the concerns that the United Nations track might cause a deviation. But let us also not forget that the foundations of this process were actually grounded in the very ideals and principles enshrined in the Charter of the United Nations. We therefore fail to understand how the United Nations, the primary guarantor of global peace and stability, can now derail a process that it helped to come into being in the first place. On the contrary, it could give a new boost and energy to the Minsk process. We therefore urge everyone to view this draft resolution as a means to that end, and thus turn it into an opportunity rather than a distraction. We certainly see it that way, and hope that all parties involved will remain committed to the success of the peace efforts under way within the framework of the Minsk Group.

Secondly, we have considered the timing of the draft resolution and whether it would have been better to introduce it earlier or later. In that context, I listened carefully to those who argued that the recent plan proposed by the Co-Chairs of the Minsk Group is yet to be taken up by the parties and that this draft resolution might blur their assessment by introducing a new element to the equation. With due respect, I beg to differ. If this is indeed a critical time in the Minsk process that promises a breakthrough — and we certainly want to believe so — then there cannot be a better occasion to extend our support by firmly stating our commitment to the early and peaceful settlement of this conflict — which, incidentally, has lasted for more than 16 years.

Finally, we evaluated the substance of the draft resolution and checked whether it includes enough of the main principles and parameters identified as the basis for the settlement of the conflict. There again, we believe that the draft resolution sufficiently addresses the core of the predicament at hand. After all, the problem we are discussing today is essentially a problem of occupation. Indeed, close to 20 per cent of Azerbaijani territory is still under occupation. There can therefore be nothing wrong in calling for the territorial integrity of that country or the return of the internally displaced people. Of course, as with any other draft resolution, the text might have benefited from certain editorial amendments, but overall it does not include any element that could be conceived detrimental to the settlement of the conflict.

As a neighbour to both sides to the conflict, Turkey is particularly interested in helping achieve a peaceful settlement of this long-standing conflict in accordance with the norms and principles of international law. We therefore firmly support any initiative that contributes to that ultimate goal. That is why, as a member of the Minsk Group, we are deeply committed to the early success of that process, which should remain the sole format for the peace negotiations. That is also why we would like to see today's adoption of the draft resolution serve to re-energize and strengthen that indispensable process.

Mr. Martirosyan (Armenia): First of all, I would like to thank Ambassador Wolff, the representative of the United States, for the statement he delivered on behalf of the Co-Chairs of the Minsk Group. Along with the Co-Chairs, Armenia will also vote against this draft resolution. We do so for a number of reasons.

First, it is unprecedented for a draft resolution to be brought to the floor for a vote without any consultations among the parties concerned. Without such discussion and deliberation this draft resolution cannot be implemented. The way that this draft resolution reached the floor therefore cynically ignores the fundamental principles of this and every other international organization.

That leads me to my second point, namely, that the purpose of the drafters was never to encourage or facilitate discussion. This draft simply represents a way for Azerbaijan to get a piece of paper where its wishful and unrealistic outcomes are listed. If the intention truly were to contribute to the success of the ongoing negotiations, Azerbaijan would be putting its energy and seriousness into the existing negotiating format of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group, rather than trying to move the issue into this forum.

After Azerbaijan militarized this conflict, 20 years ago, there was a full-scale war between that country and the Armenians of Nagorno Karabakh. There were thousands of dead and nearly 1 million refugees, as well as lost territory on both sides. Today,

there is a self-maintaining ceasefire and negotiations under the auspices of the OSCE Minsk Group. Despite that and other attempts by Azerbaijan to divert the peace process, those negotiations are indeed moving forward. There is now a negotiating document on the table that addresses all fundamental issues — the future status of Nagorno Karabakh being foremost among them. The last version of the document was presented to the sides by France, Russia and the United States just four months ago at the OSCE ministerial meeting held in Madrid. Yet, Azerbaijan risks sabotaging this process by presenting a draft resolution that ignores agreed arrangements and existing realities.

This draft resolution is counterproductive. It calls for the immediate and unconditional withdrawal of armed forces. If the security and peace of the region is really a concern for Azerbaijan, I wonder about the security vacuum that will be created afterward. Who will be responsible for the security of the people of Nagorno Karabakh, whose lives and existence today depend on a fragile ceasefire that, in the absence of international cover, is safeguarded by those very armed forces?

The draft resolution calls for self-governance within Azerbaijan. That became impossible 20 years ago, and it is not possible today. Does anyone really believe that there can be a return to a situation where the security of the Armenian minority was clearly endangered? In various ethnic conflicts around the world, the international community has demonstrated that it understands that. The Government of Azerbaijan forfeited its right to govern people it considered its citizens when it unleashed a war against them 20 years ago. The Ambassador of Uganda was absolutely right when he said that Azerbaijan was a victim. Yes, Azerbaijan is a victim, but of its own policy. Armenians will never return to the previous situation.

The draft resolution asks for a commitment by the parties to humanitarian law. What about a commitment to the non-use of force, the peaceful resolution of disputes and all other provisions of the Helsinki Final Act?

The draft resolution talks about territories and refugees. How are those consequences of the conflict to be resolved if the original cause of the conflict is not addressed? Refugees and territories are problems created by an Azerbaijan that unleashed a savage war against people it claims as its sovereign citizens. Only when the initial cause is resolved will the fate of its territories and ours and its refugees and ours be put right.

I feel compelled to make some comments with regard to the statement delivered by the representative of Pakistan on behalf of the Organization of the Islamic Conference (OIC). I do not need to say that Armenians have had a long and deep relationship with the members of the OIC — and with some of them even warmer than with our neighbour Azerbaijan. That so many respected members of that organization are today being misinformed and misled by Azerbaijan is truly vexing. If the members of that organization believe that it is their duty to stand with Azerbaijan on this draft resolution, that is their decision. However, it is my responsibility to set the record straight for those who will judge this draft resolution on its merits. Since we are diplomats, I will use only the words "flawed" and "misleading" to describe the statement made on behalf of the OIC.

Let me read from the negotiating document as it was presented to us in Madrid by no less than the Foreign Ministers of France and Russia and the United States Deputy Secretary of State.

The document begins as follows:

> "Referring to the provisions of the declaration on principles guiding relations between OIC participating States of the Final Act of the Helsinki Conference, in particular to article II, on refraining from the threat or the use of force, and article IV, relating to the territorial integrity of States, and to article VIII, relating to the equal rights and self-determination of peoples".

That is how the document begins.

The third page of the document is based on three basic provisions: the plebiscite, to be conducted by the people of Nagorny Karabakh to determine their own status; the elimination of all consequences of the conflict, including return of all refugees and territories; and, last but not least, the security provisions to guarantee full implementation of the agreement. Those fundamental principles have been agreed upon, and it is only the details and the modalities that still need to be negotiated.

What is clear is that there is a process that acknowledges that the final resolution must be arrived

at by agreement of all sides, and not by an arbitrary resolution that simply represents the desires of a single side.

I would also like to make some comments on the statement delivered by the representative of the Ukraine. I did not understand whether Kosovo has anything to do with this resolution. Armenia is intrigued by Kosovo, we have an interest in it, and Kosovo has demonstrated that the principle of self-determination is still valid in the twenty-first century. But I want to assure all the Member States of this Organization that Armenia has never exploited the case of Kosovo as a precedent. Furthermore, we have made it clear that we are ready to work on a document that would stipulate that each conflict is different, that each conflict requires separate consideration and resolution, and that in the end Armenia is not looking to Kosovo as a precedent.

This draft resolution is a wasted attempt to predetermine the outcome of the peace talks. That is not how responsible members of the international community are expected to conduct the difficult but rewarding mission of bringing peace and stability to our peoples, our regions and our world.

The Co-Chairs — the fair-minded and responsible mediators in this conflict — have found that this resolution does not help the peace talks. I ask the Assembly not to support Armenia, but to follow their lead. I ask that members not support this resolution.

The President: We have heard the last speaker in the debate on this item. The Assembly will now take a decision on draft resolution A/62/L.42, entitled "The situation in the occupied territories of Azerbaijan".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, Colombia, Comoros, Djibouti, Gambia, Georgia, Indonesia, Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Moldova, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Serbia, Sierra Leone, Somalia, Sudan, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, Uzbekistan, Yemen.

Against:

Angola, Armenia, France, India, Russian Federation, United States of America, Vanuatu.

Abstaining:

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

Draft resolution A/62/L.42 was adopted by 39 votes to 7, with 100 abstentions (resolution 62/243).

[Subsequently, the delegation of the Islamic Republic of Iran advised the Secretariat that it had intended to vote in favour.]

The President: Before giving the floor to the speakers in explanation of vote after the vote, I remind delegations that explanation of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Anshor (Indonesia): My delegation has voted for the draft resolution on the situation in the occupied territories of Azerbaijan, A/62/L.42. We did so on the ground that the draft resolution reaffirms the principles and objectives of the United Nations Charter in addressing the conflict in and around Nagorno

Karabakh. It supports peaceful settlement of the conflict and underlines the principles of respect for territorial integrity and the inviolability of the internationally recognized borders of Member States.

It is our sincere hope that the adoption of this resolution will contribute to supporting and intensifying efforts to achieve a peaceful and lasting settlement of the conflict, one acceptable to both sides and in accordance with the norms and principles of international law.

In that regard, we continue to support the international mediation efforts in the framework of the OSCE Minsk Group, as well as bilateral consultations held between the parties. We urge both parties to remove obstacles to the peace process.

Mr. Sangqu (South Africa): We abstained on this resolution because South Africa supports the efforts of the OSCE Minsk Group towards the settlement of the dispute between Azerbaijan and Armenia, specifically the Basic Principles for the Peaceful Settlement of the Nagorno Karabakh Conflict.

As a member of the United Nations, the Non-Aligned Movement and the African Union, South Africa affirms the territorial integrity of all States.

My delegation has taken note with concern of the latest developments in the region, specifically the outbreak of violence between the two sides on 4 March 2008. We urge the parties to return to negotiations based on the norms and principles of international law.

Mr. Belkheir (Libya Arab Jamahiriya) (*spoke in Arabic*): Everyone knows that the draft resolution fully supports the concept of national sovereignty and territorial integrity, which compels us to support countries that are partially or wholly under the yoke of occupation and to stand fully on the side of supporting the right of refugees to return. This position is but an expression of my country's principled position in support of the basic principles of justice.

We had hoped that the parties concerned could have arrived at an agreement and established relations based on the principle of good-neighbourliness, so as to achieve prosperity and development. However, after the international community was asked to pronounce itself on this item, we supported the precedents of international law and the principles of the Charter of the United Nations.

My country calls on all parties to respect the will of the international community and the principles of national sovereignty, territorial integrity and the protection of civilians — regardless of the results of the vote on the resolution. We also call on the two parties to overcome all obstacles and challenges through direct negotiations, as well as to respect the principles of international law and humanitarian norms.

The President: We have thus heard the last speaker in explanation of vote.

A representative has requested the floor in exercise of the right of reply. May I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention, and should be made by delegations from their seats.

I now give the floor to the representative of Azerbaijan.

Mr. Mehdiyev (Azerbaijan): In exercising my right of reply, I would like to state the following.

I would like to emphasize the utmost importance of the resolution that the General Assembly has adopted despite the efforts of some Member States. The resolution demonstrates that the international community firmly stands for a settlement of the conflict on the basis of the territorial integrity of Azerbaijan. The resolution is timely and constructive, as it stands for a balance based on the norms and principles of international law. It provides the population of the Nagorno-Karabakh region with the possibility of self-rule within the territorial integrity of the State of which it is a part. It reaffirms the rights of the displaced population to return to their places of origin. It demands the withdrawal of occupying forces from all occupied territories of Azerbaijan. It supports the mediation efforts carried out on the basis of the norms and principles of international law.

The resolution makes it clear for Armenia and those behind it that the settlement of the conflict can be achieved only on the basis of the territorial integrity of the Republic of Azerbaijan. Until the Armenian side realizes that, a settlement cannot be achieved. The Armenian side and those who support it must understand that negotiations may be continued only on the basis of the norms and principles of international law.

The resolution provides a clear perspective to define the status of the Nagorno-Karabakh region at the level envisaged by international law, namely, at the level of self-governance within the territorial integrity of the State. It also indicated unambiguously that that required the return of the displaced Azerbaijani population to the Nagorno-Karabakh region.

As long as Armenia continues to dictate its will based on a fait accompli and tries to wrest Nagorno-Karabakh from Azerbaijan based on the result of the ethnic cleansing of the Azerbaijani population, it will not achieve peace with Azerbaijan. The status of the Nagorno-Karabakh region cannot be the subject of negotiations on the basis of a fait accompli. Status shall be defined only through a legal and democratic process, with the participation of the entire population of the region within Azerbaijan. That requires the creation of objective conditions, such as freeing all territories under occupation, their rehabilitation and the return of populations forcibly expelled from their places of origin.

We are surprised and express our deep resentment about the position taken by the Co-Chair countries, which voted against the resolution, as the text was carefully drafted on the basis of the concept of the settlement they have repeatedly encouraged us to pursue. The Co-Chairs referred to the draft paper on the basic principles prepared by them, which allegedly constitutes the basis for the settlement. Azerbaijan must say that that draft contains largely disagreements and unsettled issues, rather than clarity. Those priority issues are of the utmost importance.

We took note of the Co-Chairs'.support for the territorial integrity of Azerbaijan. We would like to believe that they will adhere to their statement. We also express the hope that the Co-Chairs, in working on the draft on basic principles, will take due note of the position of the international community as expressed in the resolution that has just been adopted and prescribed by international law, which should serve as the basis for their activities.

We would like to stress that Azerbaijan will continue to be guided, in working on the draft of basic principles, by the principles set out in the resolution that has just been adopted.

We would like to express our gratitude to those countries that voted in favour of our resolution and demonstrated principled and friendly support for Azerbaijan. We will never forget that.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 20.

The meeting rose at 11.30 a.m.